

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

James Thairu

Respondent

Civil Citation No. 67155

3136 Ripple Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on October 6, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1)(7), failure to repair/remove defective wood fence, gate on residential property zoned DR 5.5 known as 3136 Ripple Road, 21244.

On September 15, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on August 27, 2009 for repair or removal of defective fence gate, and removal of tall grass and weeds. This Citation was issued on September 15, 2009.

B. Photographs in the file show a wood board privacy fence encircling the rear yard of this single-family residence. The gate has been removed and is propped up against the house. Respondents are not required to have a fence, but if a fence is on the property it must be kept in good repair. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. In particular, a property owner must keep "Fencing on the premises in good repair and in a structurally sound condition." BCC Section 35-5-302(b)(7).

C. Court records indicate this property is in foreclosure proceedings. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by November 2, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf